

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Patrick Merrill

(b) County of Residence of First Listed Plaintiff

(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Murray L. Greenfield & Associates

9636 Bustleton Avenue, Philadelphia, PA 19115

215-677-5300

DEFENDANTS

Jeffrey L. Straight & Cole Freight Line LLC

County of Residence of First Listed Defendant Mahoning

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☐ 2 U.S. Government Defendant
- ☐ 3 Federal Question (U.S. Government Not a Party)
- ☒ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|---------------------------------------|---------------------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input checked="" type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input checked="" type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions.

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input checked="" type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <input type="checkbox"/> 880 Defend Trade Secrets Act of 2016 SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692) <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify)
- ☐ 6 Multidistrict Litigation - Transfer
- ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
28 U.S.C. Section 1332Brief description of cause:
Motor vehicle

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

Excess of \$75,000

CHECK YES only if demanded in complaint:

JURY DEMAND:

☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

DESIGNATION FORM

(to be used by counsel or pro se plaintiff to indicate the category of the case for the purpose of assignment to the appropriate calendar)

Address of Plaintiff: 8111 Castor Avenue, Apt 1 Basement, Philadelphia, PA 19152

Address of Defendant: 3679 Stauton Drive, Youngstown, OH 44505

Place of Accident, Incident or Transaction: Philadelphia County, Pennsylvania

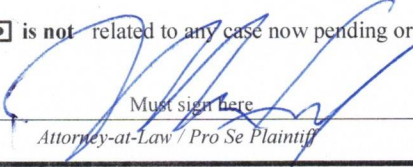
RELATED CASE, IF ANY:

Case Number: _____ Judge: _____ Date Terminated: _____

Civil cases are deemed related when **Yes** is answered to any of the following questions:

- | | | |
|--|------------------------------|--|
| 1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action of this court? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |

I certify that, to my knowledge, the within case ☐ is / ☒ is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: 09/20/2022  38103

Must sign here
Attorney-at-Law / Pro Se Plaintiff
Attorney I.D. # (if applicable)

CIVIL: (Place a ✓ in one category only)

A. Federal Question Cases:

- ☐ 1. Indemnity Contract, Marine Contract, and All Other Contracts
- ☐ 2. FELA
- ☐ 3. Jones Act-Personal Injury
- ☐ 4. Antitrust
- ☐ 5. Patent
- ☐ 6. Labor-Management Relations
- ☐ 7. Civil Rights
- ☐ 8. Habeas Corpus
- ☐ 9. Securities Act(s) Cases
- ☐ 10. Social Security Review Cases
- ☐ 11. All other Federal Question Cases
- (Please specify): _____

B. Diversity Jurisdiction Cases:

- ☐ 1. Insurance Contract and Other Contracts
- ☐ 2. Airplane Personal Injury
- ☐ 3. Assault, Defamation
- ☐ 4. Marine Personal Injury
- ☒ 5. Motor Vehicle Personal Injury
- ☐ 6. Other Personal Injury (Please specify): _____
- ☐ 7. Products Liability
- ☐ 8. Products Liability – Asbestos
- ☐ 9. All other Diversity Cases
- (Please specify): _____

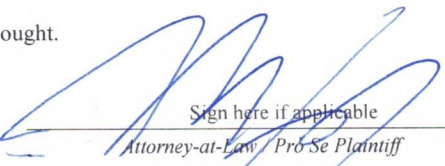
ARBITRATION CERTIFICATION

(The effect of this certification is to remove the case from eligibility for arbitration.)

I, Murray L. Greenfield, counsel of record or pro se plaintiff, do hereby certify:

☒ Pursuant to Local Civil Rule 53.2, § 3(c) (2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs:

☐ Relief other than monetary damages is sought.

DATE: 09/20/2022  38103

Sign here if applicable
Attorney-at-Law / Pro Se Plaintiff
Attorney I.D. # (if applicable)

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

MURRAY L. GREENFIELD & ASSOCIATES

By: Murray L. Greenfield, Esquire

Attorney Identification No. 38103

9636 Bustleton Avenue

Philadelphia, PA 19115

215-677-5300

murraygreenfield@verizon.net

Attorneys for Plaintiff

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

PATRICK MERRILL
8111 CASTOR AVENUE
APT. 1 BASEMENT
PHILADELPHIA, PA 19152

vs.

JEFFREY L. STRAIGHT
3679 STAUNTON DRIVE
YOUNGSTOWN, OH 44505
and
COLE FREIGHT LINE LLC
42560 BUCKEYE ROAD
LISBON OH 44432

CIVIL ACTION

No. 22-3746

JURY TRIAL DEMANDED

COMPLAINT - CIVIL ACTION
TORTS – 350
MOTOR VEHICLE

The Plaintiff, Patrick Merrill, by and through his counsel, Murray L. Greenfield & Associates, hereby files this Complaint and in support thereof avers as follows:

NATURE OF ACTION

1. The Plaintiff, Patrick Merrill, brings this action to recover monetary damages as a result of a motor vehicle accident.

PARTIES

2. Plaintiff, Patrick Merrill, is an adult individual residing at the above-captioned address.

3. Defendant, Jeffrey L. Straight is an adult individual residing at the above-captioned address.

4. Defendant, Cole Freight Line LLC is an organization duly organized and existing under and by virtue of the laws of the State of Ohio with registered offices located at the above-captioned address.

JURISDICTION

5. The Court's jurisdiction is founded on 28 U.S.C. § 1332 (a)(1). Venue is in the Eastern District of Pennsylvania under 28 U.S.C. § 1391 (a)(1).

GENERAL ALLEGATIONS

6. On or about May 5, 2021, Plaintiff, Patrick Merrill was a restrained driver of a Lyft vehicle, transporting two passengers and traveling in the left lane of I-76 when a tractor trailer/18 wheeler, owned by Defendant, Colt Freight Line LLC and operated by Defendant, Jeffrey L. Straight, rear-ended Plaintiff's vehicle causing a severe collision. Said collision caused injuries and damages to Plaintiff as hereinafter set forth.

COUNT I **PATRICK MERRILL V. JEFFREY L. STRAIGHT**

7. Plaintiff hereby incorporates by reference paragraphs 1 through 6 as though the same were fully set forth herein at length.

8. The negligence of the Defendant, Jeffrey L. Straight consisted, *inter alia*, of the following:

- a. operating a motor vehicle without having the motor vehicle under control;
- b. being inattentive to the condition of the traffic at the point aforesaid;

- c. operating a motor vehicle without being able to bring it to a stop within the assured clear distance ahead;
- d. operating a motor vehicle at an excessive rate of speed under the circumstances;
- e. violating various state statutes relative to the proper and safe operation of motor vehicles; and
- f. being otherwise careless, reckless and negligent as the consequences and discovery may disclose.

9. As a result of the accident, as aforementioned, the Plaintiff, Patrick Merrill sustained various injuries to his body, including but not limited to, right knee meniscal tear requiring two injections and surgery, concussion, cervical disc herniations at C2-3, C3-4, C4-5, C5-6 and C6-7, bilateral radiculopathy in the cervical spine, cervical, thoracic and lumbar sprain and strain and headaches, the extent of which is not yet known, which injuries have prevented him, and may continue to prevent him, from attending to his daily and usual duties and occupations; all of which injuries and conditions are, or may be, permanent in nature.

10. As a result of the negligence of the Defendant, as aforesaid, Plaintiff has undergone and endured great physical pain, suffering and mental anguish and will continue to endure great physical pain, suffering and mental anguish for an indefinite time in the future to his great detriment and loss.

11. As a further result of the accident, as aforementioned, Plaintiff has been obliged to receive and undergo medical attention and care and to expend various sums of money and to incur various expenses for the injuries he has sustained.

12. The treatment of Plaintiff includes, but is not limited to, the following:

- a. Dr. Mark Brown
1306 Cottman Avenue
Philadelphia, PA 19111
- b. Pennsylvania Hospital
800 Spruce Street
Philadelphia, PA 19107
- c. Northeast Open MRI
9815 Roosevelt Boulevard
Suite K
Philadelphia, PA 19114
- d. Penn Presbyterian Medical Center
Penn Medicine
51 N. 39th Street
Philadelphia, PA 19104
- e. Dr. Gwo-Chin Lee
3737 Market Street
8th Floor
Philadelphia, PA 19104
- f. Dr. Stacey Trooskin
1233 Locust Street
4th Floor
Philadelphia, PA 19107

13. As a further result of the accident aforesaid, Plaintiff has sustained a medically determinable physical and/or mental impairment which prevents Plaintiff from performing all or substantially all of the material acts which constitute his usual and daily activities and which continues to his great detriment and loss.

14. As a further result of the accident, Plaintiff has suffered loss of his earnings, and may continue to suffer from a permanent impairment of his earning power and capacity.

15. As a result of his injuries, Plaintiff may hereinafter incur other medical expenses which exceed sums recoverable under Pa. C.S.A. § 1711.

16. As a further result of the accident, there exists health insurance lien with the Department of Human Services which to date totals \$5,167.12.

WHEREFORE, Plaintiff, Patrick Merrill demands judgment in his favor and against Defendant, Jeffrey L. Straight in an amount in excess of Seventy Five Thousand Dollars (\$75,000.00) plus costs and interests.

COUNT II
PATRICK MERRILL V. COLE FREIGHT LINE LLC

17. Plaintiff hereby incorporates by reference paragraphs 1 through 16 as though the same were fully set forth herein at length.

18. The negligence of the Defendant, Cole Freight Line LLC consisted, *inter alia*, of allowing Defendant, Jeffrey L. Straight to do the following:

- a. operating a motor vehicle without having the motor vehicle under control;
- b. being inattentive to the condition of the traffic at the point aforesaid;
- c. operating a motor vehicle without being able to bring it to a stop within the assured clear distance ahead;
- d. operating a motor vehicle at an excessive rate of speed under the circumstances;
- e. violating various state statutes relative to the proper and safe operation of motor vehicles; and
- f. being otherwise careless, reckless and negligent as the consequences and discovery may disclose.

19. As a result of the accident, as aforementioned, the Plaintiff, Patrick Merrill sustained various injuries to his body, including but not limited to, right knee meniscal tear requiring two injections and surgery, concussion, cervical disc herniation at C2-3, C3-4, C4-5,

C5-6 and C6-7, bilateral radiculopathy in the cervical spine, cervical, thoracic and lumbar sprain and strain and headaches, the extent of which is not yet known, which injuries have prevented him, and may continue to prevent him, from attending to his daily and usual duties and occupations; all of which injuries and conditions are, or may be, permanent in nature.

20. As a result of the negligence of the Defendant, as aforesaid, Plaintiff has undergone and endured great physical pain, suffering and mental anguish and will continue to endure great physical pain, suffering and mental anguish for an indefinite time in the future to his great detriment and loss.

21. As a further result of the accident, as aforementioned, Plaintiff has been obliged to receive and undergo medical attention and care and to expend various sums of money and to incur various expenses for the injuries he has sustained.

22. The treatment of Plaintiff includes, but is not limited to, the following:

- a. Dr. Mark Brown
1306 Cottman Avenue
Philadelphia, PA 19111
- b. Pennsylvania Hospital
800 Spruce Street
Philadelphia, PA 19107
- c. Northeast Open MRI
9815 Roosevelt Boulevard
Suite K
Philadelphia, PA 19114
- d. Penn Presbyterian Medical Center
Penn Medicine
51 N. 39th Street
Philadelphia, PA 19104
- e. Dr. Gwo-Chin Lee
3737 Market Street
8th Floor
Philadelphia, PA 19104

f. Dr. Stacey Trooskin
1233 Locust Street
4th Floor
Philadelphia, PA 19107

23. As a further result of the accident aforesaid, Plaintiff has sustained a medically determinable physical and/or mental impairment which prevents Plaintiff from performing all or substantially all of the material acts which constitute his usual and daily activities and which continues to his great detriment and loss.

24. As a further result of the accident, Plaintiff has suffered loss of his earnings, and may continue to suffer from a permanent impairment of his earning power and capacity.


25. As a result of his injuries, Plaintiff may hereinafter incur other medical expenses which exceed sums recoverable under Pa. C.S.A. § 1711.

26. As a further result of the accident, there exists health insurance lien with the Department of Human Services which to date totals \$5,167.12.

WHEREFORE, Plaintiff, Patrick Merrill demands judgment in his favor and against Defendant, Cole Freight Line LLC in an amount in excess of Seventy Five Thousand Dollars (\$75,000.00) plus costs and interests.

MURRAY L. GREENFIELD & ASSOCIATES

Date: 9/19/22



MURRAY L. GREENFIELD, ESQUIRE

VERIFICATION

I, Patrick Merrill, verify that the statements made in this pleading are true and correct. I understand that false statements herein are made subject to the penalties of F.R.C.P. 11(b) relating to unsworn falsification to authorities.



PATRICK MERRILL

Date: 19-09-22